

## THIRTY-EIGHT IRONWORKERS

(Continued from Page One)

appeared to be deserted except for two women stenographers.

The stenographers said they did not know where McClary and Lewis were.

Monday's procedure, according to custom, will be first a motion by the government for judgments on the verdicts. The prisoners' attorneys may then offer motions to set the verdicts aside on account of lack of evidence. Imposing of sentences will then be in order. Judge Anderson may ask the prisoners singly or in groups whether they have any reasons to give why judgment should not be imposed. A wide discretion rests with the court as to the amount of punishment. Under the convictions the court may dismiss any prisoner, or impose a money fine or sentence all the men to terms in the federal prison for a period not exceeding thirty-nine and one-half years.

All of the men were convicted on all charges. These are one charge of conspiracy to violate the laws of the United States, carrying a maximum imprisonment of two years, and twenty-five charges of transporting explosives illegally, each of the latter charges carrying a maximum imprisonment of eighteen months. The penalties are cumulative, thus making possible a total imprisonment for any one prisoner of thirty-nine and one-half years. The charges against each defendant embraced fifty-two counts to an indictment.

After the sentences are imposed, it is the duty of the United States marshal to execute the judgments. The prisoners receiving less than one year will be confined in the county jail. The prisoners receiving longer terms from this district are sent to the federal prison at Leavenworth, Kansas.

Actions seeking to arrest the court's judgments will next be in order. Senator Kern and the other attorneys for the defense have already stated that appeals in behalf of the convicted labor union men will be taken to the United States circuit court of appeals. To bring this about the attorneys will file a petition for writs of error, accompanied by bills of exceptions to be signed by the court. This petition may be filed at any time within the present term, which expires next May.

## STORY OF THE TRIAL

Interesting Details of the Case Covering Three Months

INDIANAPOLIS, Dec. 28.—It was a scene blended with tragedy that confronted those who week after week sat through the historic "dynamite conspiracy" trials.

Now it was a baby crying from the rear of the court room where the wives and children of the defendants sat; now it was the heavy voice of a man seated in the witness chair and defending himself against the charges of a nation-wide conspiracy, in which officials of union labor were deeply concerned. Witnesses from far and near came and went, but those whose fate rested with the jury remained there, listening to the accusations and to the oft-repeated story of the killing of 21 people in the Los Angeles Times explosion.

The court room itself seemed a fitting setting for that sombre story. Surrounded by great marble pillars, with the daylight shut out by heavy curtains, and the judge installed before an allegorical painting of Justice, that court room day after day echoed the stories of violence, of the discovery of burnt fuses and burst infernal machines, of midnight visits by mysterious men in alleys, in empty houses in lonely country roads, or on the tops of buildings.

The vision of a dark spectre with a bomb under his arm of those who listened. Back of the railings, amid the spectators, sat the relatives of the defendants. Three rows deep across the room were the defendants. Among the score of attorneys sat perhaps the most picturesque defendant, massive in

build, florid in complexion, always studiously occupied, now copiously filling his notebook when the testimony was exciting; now, when the trial lagged, burying his spectacled nose in a Latin version of Omar Khayyam. He was Olaf A. Tveitmo of San Francisco.

Another man toward whom the eyes of the spectators often strayed was Herbert S. Hockin. He sat apart, between balliffs, during much of the trial, for he had been branded by the court as "a man who could not be trusted by any one." It was Hockin who was accused of "holding out" on the pay of the dynamiters; it was he who was said to have caused a quarrel in the ranks of the McNamara and McManigal, and it was he who finally was charged with "betraying for his own gain" those with whom he once associated, and with whom he was affiliated in the iron workers' union.

Gray-haired, and old beyond his years sat Frank M. Ryan, president of the iron workers' union, by virtue of which office he was a leader in national labor circles, with a seat in the councils of the American Federation of Labor.

McManigal, the self-confessed dynamiter, for weeks occupied the witness stand, relating, calmly, decisive and without any apparent concern for himself a narrative of violence seldom equalled.

And what were the antecedents of this trial?

Back in the summer of 1905 dynamite was found at New Haven, Conn., on a job on which non-union workmen were employed. Later the iron workers' union called a strike on several contractors, and the strike became general. That was the beginning, according to the government, and in spread until McNamara organized a "dynamiting crew." Altogether 100 explosions occurred, those at Los Angeles being among the number.

Two striking coincidences attended the trial. One was that on October 1, 1911, exactly one year after the Los Angeles "Times" building was blown up with a loss of 21 lives, the federal authorities at Indianapolis first considered the possibility of prosecutions for illegal interstate shipment of dynamite and nitroglycerin on passenger trains. Orville E. McManigal's confession, obtained after he and the McNamara brothers had been arrested, implicated others as having actually carried explosives in suit-cases on trains, or as having entered into a conspiracy. This indicated, in District Attorney Charles W. Miller's opinion, the necessity for a grand jury investigation. Indianapolis was the headquarters of John J. McNamara, secretary of the iron workers' union, and the point at which, it was charged, the conspiracy was entered into and from which the explosives were carried.

Another coincidence was that the trial began on October 1, 1912, the second anniversary of the Times explosion. The federal grand jury, after several months' investigation, returned indictments against 54 union labor officials. Before the defense began its case this number had been reduced to 41 on account of various eliminations. As a motive for the crimes charged the government referred to the strike against employers of non-union labor, consisting of bridge, viaduct and building contractors who maintained an "open shop" policy, employing workmen regardless of whether they belonged to the union or not. This strike never has been called off. It was alleged that a warfare waged by the union spread all over the country until violence was resorted to, or, as was stated, "picketing spread to slugging, slugging to dynamite, and dynamite to nitroglycerin."

McManigal, at the headquarters of the union in Indianapolis, although later named by witnesses as the active perpetrator of the explosions, was then unsuspected by the contractors. But the advent of McManigal and James B. McNamara, brother of the union secretary, as regularly hired dynamiters working under John J.'s direction, and as McManigal charges, with Hockin's leadership, and

the explosions became so bold as to arouse suspicion that they were the work of an organized band.

Detectives already had been working on the case when the killing of 21 people in Los Angeles by a bomb set off at one o'clock in the morning, showed that the desperation of the dynamiters had reached the murder stage.

Much of the evidence that was precluded at Los Angeles by the pleas of guilt by the McNamara brothers came out here. Federal Judge Albert B. Anderson ruled that while the specific charges were illegal transportation of explosives might be offered as showing the motive. The testimony was that the destruction of the Times building was not strictly a part of the campaign against non-union iron and steel work, but was done in an effort to unionize various trades in Los Angeles. James B. McNamara, who set the bomb, was a printer. Witnesses stated that McNamara afterwards expressed little regret that 21 people were killed, and in fact expressed disappointment that he had not killed Gen. Harrison Gray Otis, proprietor of the Times; that the dynamiter was sent to the coast at the solicitation of Tveitmo, a recognized union labor leader, and that Tveitmo furnished David Caplan and M. A. Schmidt, who were also indicted for murder, but who never were captured.

All the one hundred explosions came in for scrutiny by the jury here, and the field of operations extended from Boston to Los Angeles.

"Who caused those explosions?" was the question before the jury.

Broadly the charges were that J. J. McNamara began them and thought them an effective means of fighting "open shop" contractors. "Make the damage as heavy as possible," McNamara said always were his instructions. Hundreds of thousands of dollars' worth of property was said to have been destroyed. Finding the maintenance of a hired "dynamiting crew" cost money, McNamara is alleged to have appealed to the union for funds, and in this way, the government charged, the others became implicated. For instance, the executive board decided at last to allow McNamara \$1,000 a month, for which he would be required to give no accounting. Letters were also written which, the government asserted, showed certain business agents, recognizing the "dynamiting crew" as a regular institution, sent word as to what jobs should be blown up. All the indicted officials were declared by their letters to be "linked together in guilt."

That was the case the government, at the opening of the trial, asserted it had to place before the jury. It was stated that the trial, in the number of defendants, in the fact that the defendants were allied with labor unions, in the nation wide extent of the conspiracy, and in its ramifications, was unprecedented. McManigal's confession, detailing 21 explosions which he said he personally caused, was scrutinized to determine in what minute particulars corroborative witnesses were needed.

The witnesses came from almost every city. Dozens of them were brought from the Pacific coast to remain on the stand only a few minutes. A curly-headed, dimple-cheeked girl, garbed in a pink dress, was called from North Randall, Ohio, to point out in the court room Peter J. Smith and George (Nipper) Anderson, of Cleveland, as men she saw going up a lonely road with a box shortly before an explosion at North Randall. A mechanic came from Hawaii to tell of overhearing certain of the defendants discuss proposed explosions in Detroit. An engineer came from Panama to recount his experiences with Hockin. Men who drove lively wagons, check boys in railway stations, who cared for suitcases, filled with infernal machines, hotel clerks who "hooked" the McNamara and McManigal for rooms, J.'s direction, and as McManigal charges, with Hockin's leadership, and

telephone operators, all related piecemeal their knowledge of the defendants' conversations or movements, which the government undertook to weave into a completed story to show at once the individual guilt of each, and the collective guilt of all the defendants.

One by one the defendants heard the charges repeated against them. Tveitmo heard his name mentioned often. He was accused of having furnished Caplan and Schmidt to help blow up the Times building. He was named as having sent word to McNamara the month after the explosion that "things were all right on the coast," and as having requested the dynamiters again to be sent to Los Angeles, later acknowledging another explosion there on Dec. 25, 1910, as "a Christmas present." McManigal said that he called at Tveitmo's office in San Francisco, but met only Eugene A. Clancy there. Anton Johansson was mentioned by witnesses as having helped Tveitmo. William J. Burns testified he told Mayor Alexander of Los Angeles, the day after the explosion that "Tveitmo and Johansson were behind it." Testimony about Johansson was permitted on the ground that though not a defendant, "he had been shown to be a conspirator."

J. E. Munsey, Salt Lake City, was charged with harboring the Los Angeles dynamiter for two weeks. Tailor in Salt Lake City said he altered clothes for the dynamiter, and other witnesses said they saw Munsey, also known as "Jack Bright," and McNamara together.

Clancy was again mentioned as being in Boston when the Pacific coast explosion occurred, and as hurrying west after telegraphing "clean house" meaning, as the government charged, to destroy evidence. H. W. Pohlman, of Seattle, was mentioned as bringing McNamara and Clancy together in that city.

Of all the defendants Herbert S. Hockin was probably the most conspicuous in the testimony.

The story of Hockin, as told, was: As an organizer for the union he induced McManigal to do dynamiting. Then he began to "hold out" on the pay allowed McManigal for jobs. This resulted in quarrels, and the McNamara decided to have little to do with him. Knowing this, Hockin went to a contractor in Pittsburgh and betrayed the dynamiters. That was before the loss of life at Los Angeles. Later Hockin worked for Burns, while still remaining as an organizer of the union, when the federal grand jury began work in Indianapolis, Hockin took information to the government.

The testimony at the trial resulted in the increasing of Hockin's bonds, so that he was confined to jail. Hockin asserted to those for whom he was accused of acting as spy, he took no part in dynamiting, but witnesses from Muncie, Ind., and at Cincinnati pointed him out as the man to whom they actually sold explosives.

Hockin again was the man most mentioned by McManigal. "After he had induced me to blow up a job in Detroit in 1907," said McManigal, "Hockin told me there was no use of my attempting to quit now, as they had the goods on me. I asked him who was going to pay me for my work. He said the executive board had set aside a limited fee of \$125 for each job and expenses. I told him it was too little for a thing like that. He replied my family would be taken care of if anything happened. So I went to Bloomville, Ohio, and got an order from Nat France to Bill Randall, who was the keeper of a magazine where dynamite was stored for use in a stone quarry, and they let me have some without knowing what I was going to do with it. I used it to blow up a derrick at Clinton, Iowa, February 16, 1908."

"Hockin two weeks later visited me again in Chicago and said he did not have enough money to pay expenses for the Clinton job, but for me to go to the hall of the local union. When I went there the secretary, R. H. Houlihan, gave me an envelope containing \$165. Houlihan said: 'There is money in that.'"

In July of 1908, according to McManigal, Hockin met him in Buffalo, and after pointing out a viaduct, said he wanted to get to Canada before the explosion took place. About 11 o'clock that night McManigal set off the dynamite with a sixty-foot fuse. He said Hockin met him later in Chicago and paid him.

Then Hockin asked McManigal to go to St. Louis, but he refused, and went instead to Holyoke, Mass., where an explosion failed because the dynamite was buried in the ground too long, McManigal said.

"Up to March, 1909, Hockin was the only man who knew me as a dynamiter," said McManigal. "Just before that date he arranged for me to go to Boston and see M. J. Young regarding the job on the Boston Opera House, which was blown up." Later, on instruction from Hockin, McManigal said he went to Hoboken to confer with Frank C. Webb, of New York, about blowing up a viaduct. A dispute arose and McManigal told Webb that Hockin was paying for the work and he purposed to follow instructions.

"Hockin paid me \$250 for the Boston and Hoboken jobs," said McManigal. "Then it was arranged I should meet J. B. McNamara for the first time. Hockin had telegraphed me to meet him in Indianapolis. We went from there to Muncie, Indiana, where we met J. B. Hockin made all arrangements here about getting rigs, boxes and cans for the nitroglycerin he was negotiating for. He had me buy a piano box and rent a house, fill barrels with sawdust and put them in the house for storing the explosive. Hockin paid me for the rent of the house and arranged with a well-shooter to get the nitroglycerin which we transferred to the house in Muncie."

"In February, 1910, in Chicago, I received a telegram from Hockin to come to Indianapolis. I did not go, but J. B. McNamara came to Chicago and told me Hockin had sent him to explain a new invention. J. B. explained about the alarm clock arrange-

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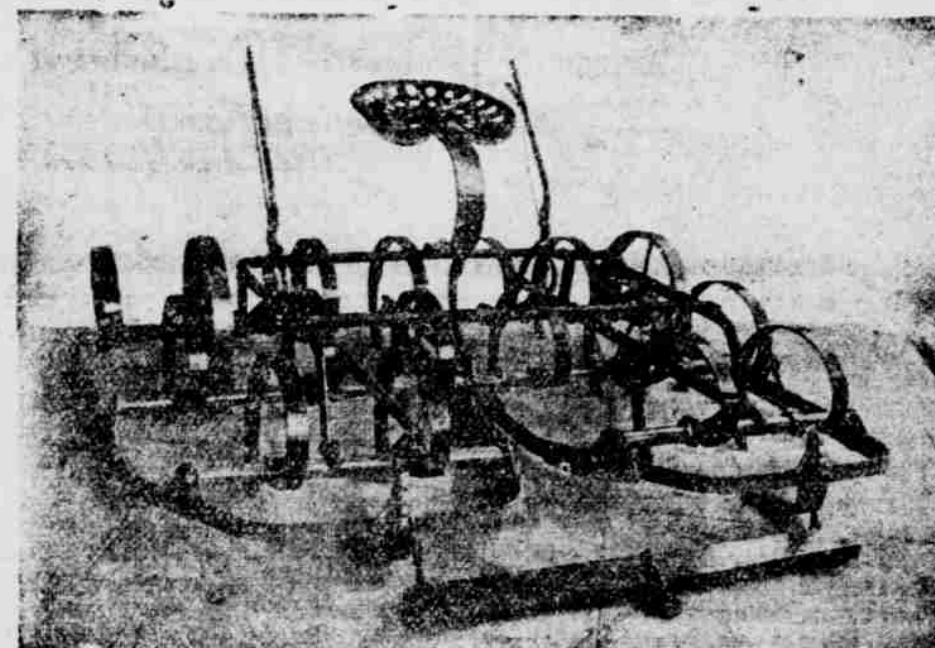
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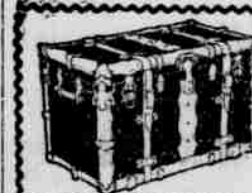
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Western Union Defeats Plan for Summary Removal of Wires.

LOUISVILLE, Dec. 28.—A temporary injunction was granted the Western Union Telegraph company today by the federal court restraining the Louisville and Nashville railroad from removing the telegraph company's equipment from the road. The injunction applies to the wires along the entire system.

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